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09/738,801	12/15/2000	William J. Beyda	00 P 9081 US	2375

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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
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EXAMINER

MA, JOHNNY

ART UNIT PAPER NUMBER

2617

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,801

Applicant(s)

BEYDA, WILLIAM J.

Examiner

Johnny Ma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In regard to the Official Notice statements taken in the previous Office Action, it is noted that the applicant does not traverse the examiner's assertion of official notice, thus the common knowledge or well-known in the art statement, to allow selection of a compression method and to use a timer as a deactivate signal, is taken to be admitted prior art.

Response to Arguments

1. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budge et al. (US 6,014,689) in further view of Dawson (US 6,252,588 B1).

As to claim 1, note the Budget et al. reference teaches an email system with a video email player that allows easy video capturing, storage, and transmission of media via email attachments.

The claimed "playing a video on a video input device" is met by playing a video received from the video capture electronics 22, in Figure 1 from camera 20, on a PC 10.

The claimed "receiving an activate signal" and "receiving a deactivate signal" are met by as see in Figure 7A, a user may prompt the system to start and stop recording.

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The claimed “digitizing and storing at least a portion of said video” and “compressing said at least a portion of said video; storing said at least a portion of said video” is met by during a record process as is well known and taught in col. 4:25+. Video email recorder 210 of Fig. 2 first stores files as a temporary file, which is compressed as claimed (col. 4:47-57). Input may then be provided to store the compressed file to a hard drive, as taught in col. 5:52+ through col. 6:3.

The claimed “launching an e-mail application; and automatically accessing said at least a portion from memory and attaching said at least portion of said video to an e-mail message” is met by a user may then desire to launch an email application which will automatically access memory and “attach...said video to an e-mail message” using the videolink software seen in Fig. 6, seen at 720 of Fig. 7A, and taught in col. 2:11-27 as well as throughout the specification.

Also note, the Budget et al. reference discloses “[t]he sending user 710 receives prompts and provides inputs to the sending system 720 with respect to controlling the virtual VCR, embedding the video e-mail player 220 into the video e-mail message file 500, and controlling the Email client. The sending system 720 creates and transmits a video e-mail message to the receiving system 730” (Budget et al. 6:21-27). However, the Budget et al. reference is silent as to whether or not the attachment process is performed in the absence of user interaction.

Now note the Dawson reference that discloses “[t]he audio visual e-mail system presented here brings electronic mail within the reach of everyone, no matter what their previous experience with computers and e-mail (Dawson 7:34-36) wherein “[t]he audio visual e-mail system of the invention allows a user to easily send and receive audio and video-email messages (Dawson 9:41-43). The Dawson reference also discloses the undesirable complexities of e-mail

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attachments by a user (Dawson 2:64-3:4; 4:34-47) in the background of the invention. The claimed “attaching said at least a portion of said video to an e-mail message without user interaction” is met by “[a]udio visual e-mail system controller 121 does the actual sending and receiving of messages. It also creates the messages to be sent, and displays and plays the messages received” (Dawson 10:42-45) wherein once the user records the message, the message is automatically attached without user interaction, in that the user is displayed a PICK RECIPIENT screens immediately following the recording followed by delivery to the designated recipients (Dawson 14:3-5; 14:65-16:29). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Budge et al. video e-mail system with the Dawson automatic attachments for the purpose of reducing the complexity of sending and receiving audio visual e-mail messages to a level that allows a user to send and receive audio visual e-mail with inconvenience (Dawson, see Abstract).

As to claim 2, the claimed “user selecting a compression method” is not taught by Budge. Budge clearly teaches compression techniques for the video data as previously noted, but not allowing a user to select a compression method. Examiner takes Official Notice that it was notoriously well known in the art at the time the invention was made to allow selection of a compression method. It would have been obvious for one skilled in the art at the time of the invention to modify the system and methods of Budge by allowing user selected compression methods in order to allow versatility in storage and transmission formats to ensure proper playback.

As to claim 3, the claimed “receiving a deactivate signal...responsive to a timeout of a timer” is not taught by Budge. Examiner takes Official Notice that it was notoriously well

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known in the art at the time of the invention to use a timer as a deactivate signal. It would have been obvious for one skilled in the art at the time of the invention to modify the system and method of Budge by using a timer deactivate signal in order to simplify user tasks.

As to claim 4, note the Budget et al. reference teaches an email system with a video email player that allows easy video capturing, storage, and transmission of media via email attachments.

The claimed "a video input device for generating video images" is met by video input device 20 as illustrated in Figure 1.

The claimed "a monitor for displaying said video images" is met by monitor 14 as illustrated in Figure 1.

The claimed "a Web Access device including an e-mail module, said Web Access device adapted to receive video images from said video input device" is met by "[t]he video input device 20 can be any image source, such as one of many types of video cameras... Some type of video input devices may require video capture electronics 22 which are typically contained on a single board within the PC enclosure 12 and mated with the bus provided on the PC motherboard" (Budge 3:38-45) and "FIG. 2 illustrates the preferred embodiment of the environment in which the video e-mail software for the sending sub-system 2 and receiving sub-system 4 resides, as shown in FIG. 2B" (Budge 4:23-28) wherein the Web Access device as access to a network (Budge 4:15-19).

Also note the Budge et al. reference teaches "attach...said video to an e-mail message" using the videolink software seen in Fig. 6, seen at 720 of Fig. 7A, and taught in col. 2:11-27 as well as throughout the specification. "The sending user 710 receives prompts and provides inputs to the

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sending system 720 with respect to controlling the virtual VCR, embedding the video e-mail player 220 into the video e-mail message file 500, and controlling the Email client. The sending system 720 creates and transmits a video e-mail message to the receiving system 730” (Budget et al. 6:21-27). However, the Budget et al. reference is silent as to whether or not the attachment process is performed in the absence of user interaction.

Now note the Dawson reference that discloses “[t]he audio visual e-mail system presented here brings electronic mail within the reach of everyone, no matter what their previous experience with computers and e-mail (Dawson 7:34-36) wherein “[t]he audio visual e-mail system of the invention allows a user to easily send and receive audio and video-email messages (Dawson 9:41-43). The Dawson reference also discloses the undesirable complexities of e-mail attachments by a user (Dawson 2:64-3:4; 4:34-47) in the background of the invention. The claimed “automatically attach, without user interaction, said video images” is met by “[a]udio visual e-mail system controller 121 does the actual sending and receiving of messages. It also creates the messages to be sent, and displays and plays the messages received” (Dawson 10:42-45) wherein once the user records the message, the message is automatically attached without user interaction, in that the user is displayed a PICK RECIPIENT screens immediately following the recording followed by delivery to the designated recipients (Dawson 14:3-5; 14:65-16:29). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Budge et al. video e-mail system with the Dawson automatic attachments for the purpose of reducing the complexity of sending and receiving audio visual e-mail messages to a level that allows a user to send and receive audio visual e-mail with inconvenience (Dawson, see Abstract).

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Note the claimed “automatically attach, without user interaction, said video images to an e-mail compose window responsive to a video e-mail command signal for transmission as an attached e-mail file” is met by the Budge et al. and Dawson combination as discussed above wherein the video clip is passed to the e-mail client as an embedded object or attachment as illustrated in Figure 7 (Budge) wherein the command signal is inherent to the operation of PC 10 in order to control the disclosed system.

As to claim 5, the claimed “said video e-mail command signal comprising a signal from a switch associated with said video input device” is met by user interaction via keyboard 18 and / or command signals inherent to the operation of PC 10 control operation of system 2.

As to claim 6, the claimed “said video e-mail command signal comprising a signal from a remote control switch associated with said video input device” is met by keyboard 18 and / or mouse 19 including GUI (Budge, see Figure 6 and 5:52-67).

As to claim 7, the claimed “said video e-mail command signal comprising a signal from a graphical user interface” is met by selecting a program for operation and controlling using the GUI seen in Figure 6.

As to claim 8, note the Budge et al. reference discloses a monitor 14 as illustrated in Figure 1. However, the Budge et al. reference does not specifically disclose “wherein said monitor is a television screen.” Now note the Dawson reference that discloses a method and apparatus for providing an audio visual e-mail system. The claimed “wherein said monitor is a television screen” is met by “[i]n one embodiment, the present invention comprises a remote control, a television set, and an audio visual e-mail system box which can be integrated with the television set or attached as a separate unit” (Dawson 8:18-21). Therefore, the examiner submits

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that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Budget et al. monitor with the Dawson television display in order to provide users with a more encompassing unit and reduce costs associated with owning multiple devices to watch television and use e-mail.

As to claim 9, the claimed “wherein said Web Access Device comprises a personal computer” is met by PC 10 of Figure 1 (see Budge et al.).

As to claims 10-15, please see rejections of claims 4-9 respectively.

As to claim 16, please see rejection of claim 4. Also note, the claimed “a local area network” is met by “[t]he communications link 8 may be any of a variety of communications channels which allow the transfer of digital data, such as...local area networks (LANS)” (Budge 4:15-19). The claimed “a video e-mail system coupled to said local area network” is met by Figure 1 of the Budge et al. reference where it is seen that this system is coupled to a “local area network” comprising multiple systems 2 and 4.

As to claims 17 and 18, the claimed sending an email to “another entity on said LAN” or to “an entity external to said LAN” is taught in col. 4:5-19 wherein video e-mail systems are connected via a variety of networks for receiving and transmitting video e-mails.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Gough et al. reference (US 6,360,221 B1) discloses a method and apparatus for the production, delivery, and receipt of enhanced e-mail.

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The Namias reference (US 2002/0112005 A1) discloses a video e-mail kiosk wherein recorded video messages are recorded and automatically attached without user interaction (see paragraphs [0037-0042]).

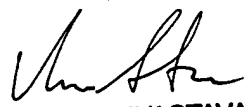
The Cleron et al. reference (US 6,223,213 B1) discloses a browser-based email system with user interface for audio/video capture.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm


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PRIMARY EXAMINER